

Minutes
Agricultural & Natural Resources Advisory Committee
Thursday, September 11, 2014, at 9:00 am
Charlotte County Administrative Center
18400 Murdock Circle
Port Charlotte, FL 33948-1094

MEMBERS PRESENT

Andy Dodd, Chairman
Orrin Webb, Secretary
Steve Smith
Lindsay Harrington
Dan Ryals

MEMBERS EXCUSED

Wes Brumback, Vice Chairman
Nigel Morris

MEMBERS ABSENT

Chris Hencher

GUEST

Andy Neuhofer
Robert H. Berntsson, Esq.

STAFF

Matt Trepal, Staff Liaison
Joanne Vernon, County Engineer, Excavations Administrator
Ralph Mitchell, Environmental & Extension Services

CALL TO ORDER/ROLL CALL/DETERMINATION OF QUORUM

The **September 11, 2014** meeting of the ***Agricultural and Natural Resources Advisory Committee*** was called to order at 9:10 a.m. by ***Chairman Dodd*** who noted that there was a quorum present.

ADDITIONS/DELETIONS TO AGENDA

None.

APPROVAL OF MINUTES

Chairman Dodd called for action on the minutes of May 8, 2014 which were approved on a motion by ***Mr. Webb***, second by ***Mr. Smith***, and unanimously carried.

NEW BUSINESS

❖ ***Joanne Vernon*** spoke on the subject of the MSTU for the eastern part of the County to address road flooding problems on Farabee Rd or Little Farm Rd. She noted that this was not a staff initiative so her information may not be complete. This would be in addition to an existing MSBU in south county, and would be used to partially pay for the Little Farm Rd. project; other projects, such as Farabee Rd. might receive support from this fund, as well as Bermont Rd.

Mr. Harrington stated everything east of SR 31 was on a different drainage system than Little Farm Road which goes into Lee County on the west side of 31. **Chair Dodd** questioned why everyone else should have to pay for drainage on Little Farm Rd.; it would be cheaper to take up a collection and buy the property from whoever is complaining about it. He said that the County would not necessarily choose the most effective way of addressing the problem.

Commissioner Duffy noted that the County doesn't want to do this to begin with, but is looking for options; one of the issues they had discussed was whether the property could be bought and what it is worth? She asked if this group had ideas to offer and invited them to address the Board. She also noted that the Commissioners had asked for pictures to see the effects of rainy season and that it hadn't appeared to be that bad; however, Commissioner Doherty thinks there is a need to do it. **Chair Dodd** questions the difference between an MSTU and MSBU – that the MSTU does not need to show a direct benefit related to the tax?

Ms. Vernon replied affirmatively.

Mr. Harrington asked about the possibility of buying another easement and bringing a road in from another direction. **Ms. Vernon** replied that the property to the north was a mining operation, and approaches were not in better shape. Further discussion ensued on the options in the area. **Commissioner Duffy** noted that Babcock Ranch has been discussed, where there could be a road leading to I-75.

Chair Dodd noted that this is slated to be discussed at the Sept. 23rd Board meeting.

Commissioner Duffy confirmed and noted that's when anyone who objects needs to be present. **Chair Dodd** continued that his suggestion would be to do an MSBU for them down there, but not an MSTU. Some further discussion ensued, ending with the Chair stating he would entertain a motion for the committee to tell him what position to take on the 23rd. **Mr. Harrington** pointed out that it would be just another tax burden on people.

Ms. Vernon sought to clarify, stating that there is a Cook Brown Rd. S&D MSBU; a similar S&D MSBU was the original plan to pay for it, but that was later considered not to be a good option. **Commissioner Duffy** stated the Board would need to have another look at it. **Ms. Vernon** noted that this MSBU is not actually providing drainage improvements, it is just paying to build a road over the existing road.

Commissioner Duffy tied the Commission deliberations to a concern over lawsuits; **Chair Dodd** pointed out any judgments would be paid out of taxes, and went on to comment about the Charlotte County tax rates. He noted that the greenbelt taxes are higher, pointing to Sarasota with all their benefits, where the taxes are as low as DeSoto County. Further discussion ensued on tax rate. **Commissioner Duffy** welcomed the information, which she said she was not aware of, and asked **Chair Dodd** to report to the Commission further on the matter.

Chair Dodd again sought a recommendation that the Committee would like him to address; **Commissioner Duffy** noted that the group could object if that's what they feel, but should also offer a solution for the issues. Extensive discussion continued.

On a motion offered by **Mr. Harrington** and seconded by **Mr. Webb**, the group unanimously voted to have the Chair address this situation at the Board meeting on Sept. 23rd.

Preparing to leave, **Ms. Vernon** asked if there were any questions on the new earthmoving code, any further questions or concerns. **Chair Dodd** noted that the only "loss" for AG or mining interests was on the issue of hours of operation, but there are no limitations on the

digging, just on trucking the material off-site. **Robert H. Berntsson, Esq.** commented that there was a lot of compromise; his client couldn't bring trucks in to the site until 6 am so trucks start lining up at 4:30 on the road, which is a hazard. This was on US 41 which had more generous road space whereas this would be a big problem on Rt. 31 or similar roads. **Chair Dodd** noted that on AG ponds, you can haul offsite as long as you pay the road fee; but on most of our projects, it's not about moving material, it's about getting the pond dug and operational.

Ms. Vernon also add that the law provides for the operator to ask for expanded hours where necessary. **Chair Dodd** then offered a summary of the new law's high points, and **Mr. Berntsson** commented that it had been a long road but it was a good ordinance that resulted.

COMMISSIONER COMMENTS

Commissioner Duffy said it has been quiet because there were no Board meetings in August. At the recent budget meeting hearings, citizens said that the community needs facilities for young people and family; in prior years, the focus was on the reduction in costs associated with landscaping and the like, but that now the County is doing better. Some of the complaints grew out of budget restrictions, but some were related to County sub-contractors who turned out to be low bidders who couldn't handle the work; the solution then is to get a new sub-contractor.

The Commissioner indicated she wants a landscaping project for "gateways and medians" on roads throughout the County, starting with Kings Hwy, and the project was going ahead when they found out that FDOT planned to reconfigure the I-75 intersection. FDOT work would have a negative impact on existing landscaping, so that project can't be done right now. On the other hand, FDOT has offered the possibility of contributing to refurbishing some of the intersections.

Another possible project would be the center median of US 41 but that particular area would need more than just planting; it turned out to be more complex than first thought. However, improvements to the intersection at Gardner and US 41 would be manageable, involving painting and fixing irrigation and changing the trees.

Chair Dodd inquired if the Commission had held steady on millage rate, and **Commissioner Duffy** responded affirmatively, noting that there is currently more tax revenue due to the property value increase.

❖ New Members, discussion and recommendation to BCC

Chair Dodd discussed the news that Mr. Brumback has resigned and had sold the grove, but that his manager Dave Kemeny would be willing to serve in his place; he also commented on the requirement in the updated ordinance that the Committee have five commodity producers on the Committee, and three of those have to be from either livestock, citrus or row crops. He pointed out that they now no longer have anyone in citrus, so if there is someone willing to serve from that group, that would be good. He indicated he would entertain a Motion on this nomination; motion by **Mr. Webb**, second by **Mr. Smith**, unanimously approved to invite Dave Kemeny to take that vacant seat.

Chair Dodd also noted the expiration of terms in December 2014 of Mr. Webb, Mr. Ryals and his own term as well, and reminded all that they have to submit a request to be reappointed. He also noted that he had visited Mr. Hencher about a month ago, he had said he wanted to continue to serve, but that he has not yet fully recovered his health. There is

nothing in the Committee's formative ordinance that specifies how a member would be removed.

Discussion ensued about what AG category each member represents; **Chair Dodd** observed that any additional vacancies must be filled by commodity producers. Due to the recent resignation of Matt Sullivan, the group is still down one commodity producer.

Commissioner Duffy inquired about the possibility that someone from Worden Farm or Lady Moon might serve; **Chair Dodd** indicated he would ask Chris Worden, who he knows personally and who is an intelligent guy.

❖ *Charlotte County Ag Census*

There was a brief discussion of the materials provided on the Census.

OLD BUSINESS

Unified Land Development Code

A brief discussion ensued on the effect of the new Community Development Director on the accomplishments of the department recently; also noted with approval were the recent efforts of Planner Jie Shao. The consensus of the group was that the revised zoning code makes things a lot easier, and that rolling all the AG uses together into a single district clarifies things as well.

Further discussion ensued with reference to the handouts provided by Chair Dodd which illustrate the changes made most recently, and about some new livestock rules. **Mr. Berntsson** commented that one change was discussed at the Planning and Zoning Board meeting, regarding the keeping of horses; he noted that Chair Hess had said that five acres should be the minimum for keeping a horse, but that staff had found other ag interest research that said one acre per horse is sufficient; he noted that if ANRAC members had other input they wanted to provide on that issue, it would be welcome. The point was also made that keeping horses in the RE district was a Conditional use, that property owners just need to meet the conditions or if they cannot, then they need to request a special exception.

Matt Trepal, Principal Planner, reminded the group that the ULDC will be going to two BCC hearings, and so will not be final for another couple of months. **Chair Dodd** noted that this affects 79,000 acres and in no case is anything more restrictive than in the former code. The change to combine the CI/CG commercial districts was discussed; **Mr. Harrington** commented that this in itself would open up the market.

Mr. Harrington also noted that the declaratory information about what AG is had been removed, which he didn't believe was a good idea, feeling that it was appropriate to advise potential buyers about the possibility of noxious odors, loud sounds, dust, chemical spraying, etc., in the AG district. Having this information disclosed to new buyers is important because eventually such people may want to complain about ag activities, and they would be told they need to expect some of these things in this district. **Chair Dodd** suggested the information may still exist in the Comp Plan; **Commissioner Duffy** suggested the information may have been taken out because of the elimination of the AE district. Further discussion continued on these and related points.

Chair Dodd asked what was coming forward next in the ULDC change; **Mr. Trepal** said that the next section to be addressed would be the overlay districts, and the last would be the design standards and landscaping, probably later in 2015. **Mr. Berntsson** reminded the Committee

ANRAC Minutes

September 11, 2014

Page 5 of 6

members that the ULDC roundtable meetings would begin again Sept. 24th, and noted that every one has been very productive so far.

Comprehensive Plan Revisions

Chair Dodd mentioned that the State has accepted the transmittal and that final adoption of the revised plan is scheduled to be heard on Sept. 23rd. **Commissioner Duffy** also mentioned that the South County Overlay would be considered at that meeting; this is at the request of the City. The thing is, she noted, that the City's standards are more restrictive than the County's; not that more restrictive is entirely a bad thing; the change in the County's sign ordinance did not turn out well. **Mr. Trepal** noted that originally the City wanted the County to simply implement City standards; **Commissioner Duffy** stated that she didn't think the County would go that far.

CORRESPONDENCE AND COMMUNICATIONS

None.

PUBLIC COMMENTS

Mr. Neuhofer had a question regarding the ordinance, on page 9, line 30, in particular the language regarding "processing" – he asked if this refers to loading produce onto trucks or is it referring to something like canning? **Mr. Berntsson** said that reference to canning is the intent, not the raw product being loaded on a truck. Further discussion ensued on this; **Chair Dodd** said he would discuss these concerns with Ms. Shao so that it can be covered in the definitions.

Mr. Harrington had a question about exotic animals on Farabee Rd., specifically the definition of what an 'exotic' animal is, which led to an exchange between him and Mr. Trepal, with **Mr. Harrington** noting that some of these places have animals like white rhinos. **Mr. Berntsson** said that the keeping of exotic animals in an animal sanctuary setting is a non-conforming use, but that the individual can get a special exception under the new language. Further discussion ensued on the difference between domestic animals, livestock, and exotic animals, which are defined as not food and not pets. **Mr. Harrington** cautioned that there are more such animals out there than most people know. **Mr. Berntsson** observed that if the use is there now, it will probably be able to stay.

Mr. Neuhofer next raised the issue of the Land lab at the high school; he had talked to their AG teacher and discovered that the school district is going to fill in an existing pond at Carmalita St. across from the bus depot and put in natural gas station for official and public use, and dig another retention pond for that gas station which will go on what's left of the land lab of the high school. He felt this was something that everyone should be aware of, and mentioned that concerned group would be trying to change their mind about this project. Further discussion ensued about the options available to be considered during the decision-making process, the safety issues involved, etc. The consensus was that the school district job should be education, not making money on fuel, and **Commissioner Duffy** indicated that she agreed.

Chair Dodd briefly reviewed the AG census material with reference to the handouts provided, and gave some bullet points from the material.

STAFF COMMENTS

Mr. Ralph Mitchell gave comments on recent Extension activities, mentioning Betty Staugler's recent presentation; various education and training opportunities; and the pasture management workshop coming up. He also had a mosquito guide handout for the group. Additionally, he

ANRAC Minutes

September 11, 2014

Page 6 of 6

provided an update on the whitefly infestation which is now being suppressed by predators; he noted the new issue concerning the Texas phoenix palm decline and the fact that sabal and queen palms are now being affected in our area by this pest.

MEMBER COMMENTS

Chair Dodd noted that the group will be tracking FEMA flood zone changes and awaiting the resulting map changes. **Mr. Berntsson** noted there had been a workshop recently on the changes and that it's still up in the air; he suggested that the Building Division's Claire Jubb was the best person to contact for detailed information. He also observed that the possible new coastal zone being talked about would make everything subject to the V-zone requirements, which he characterized as a very scary prospect.

Commissioner Duffy offered closing comments and encouraged the Committee members to continue their service of providing the information and input necessary for the Commission to do its job well.

FUTURE MEETING TOPICS

Not discussed

GUEST COMMENTS

None

NEXT MEETING

❖ *July 10, 2014 at 9:00 a.m. in the Building Construction Services large conference room.*

ADJOURNMENT

The meeting was adjourned at 10:23 a.m.

**Approved by the Committee on January 8, 2015
and accepted by the Secretary:**
